

House File 2393 - Introduced

HOUSE FILE 2393

BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HSB 632)

(COMPANION TO LSB 6031SV BY
COMMITTEE ON LOCAL GOVERNMENT)

A BILL FOR

1 An Act to legalize the proceedings of the City Council
2 of Ankeny, Iowa, including all legal notices given,
3 in connection with the making of a contract for the
4 construction of certain improvements to the NE 7th
5 Street Sanitary Sewer Improvement Project with Pirc-Tobin
6 Construction, Inc. of Alburnett, Iowa, in connection with,
7 and to legalize said contract, and authorize its performance
8 by said Council and the financing including project notes
9 issued thereof.

10 WHEREAS, on August 15, 2011, the City Council passed a
11 resolution ordering the construction of certain improvements
12 to the NE 7th Street Sanitary Sewer Improvement Project of
13 said City, and directed publication of a Notice of Hearing and
14 Letting, pursuant to the provisions of Chapters 26 and 384 of
15 the Code of Iowa, 2011; and

16 WHEREAS, on September 19, 2011, said City entered into a
17 contract for the construction of said improvements, covered by
18 the resolution ordering construction hereinabove mentioned,
19 with Pirc-Tobin Construction, Inc., which company thereafter
20 filed its performance and maintenance bond with the City; and

21 WHEREAS, said construction work has now been commenced and a
22 portion completed by said contractor, and said contractor has
23 been partially paid for such work from available bond proceeds
24 of said City; and

25 WHEREAS, doubts have arisen concerning the legality of the

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26 construction contract due to the omission of the publication
27 of Notice of Hearing and Letting as required by Section 26.3
28 of the Iowa Code, and further due to said omission, doubts
29 have arisen concerning the power of the Council to order
30 disbursement of additional funds to the contractor and to
31 issue and sell bonds to pay for the remaining cost of said
32 improvements, and it is deemed advisable to put such doubts
33 forever at rest; NOW THEREFORE,
34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. All proceedings heretofore taken by the City
2 Council of Ankeny, Iowa, including all legal notices given,
3 in connection with and pertaining to the execution of the
4 contract with Pirc-Tobin Construction, Inc. of Alburnett,
5 Iowa, on September 19, 2011, for the construction of certain
6 improvements to the NE 7th Street Sanitary Sewer Improvement
7 Project of said City and said contract itself, are hereby
8 legalized, validated and confirmed, and shall constitute full
9 authority for the said City Council to order the disbursement
10 of the funds, including notes and bond funds, of said City to
11 said contractor, and to issue and sell general obligations
12 bonds, in the manner prescribed by law, to pay for the costs
13 of said improvements, and said bonds when so issued, shall be
14 valid, legal and binding obligations of said City.

15 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, shall be in full force and effect upon
17 enactment.

18 EXPLANATION

19 This bill legalizes the action of the city of Ankeny which
20 executed a contract relating to the construction of public
21 improvements pursuant to a contract executed by the city
22 without first publishing an advertisement for sealed bids in
23 the manner required pursuant to Code section 26.3. The bill
24 takes effect upon enactment.